

**UTAH AIR QUALITY BOARD MEETING**  
**March 8, 2006**

**FINAL MINUTES**

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**I. Call to Order**

John Veranth called the meeting to order at 1:37 p.m.

Board members present:

Ernest Wessman	Dianne Nielson	Scott Lawson	Wayne Samuelson
Don Sorensen	Jerry Grover	JoAnn Seghini	Jim Horrocks
John Veranth on conference call			

Executive Secretary: Richard W. Sprott

**II. Date of the Next Air Quality Board Meetings**

April 6, 2006 and May 3, 2006.

**III. Approval of the Minutes for January 4, 2006 Board Meeting**

No corrections needed to be made in the minutes.

- Ms. Seghini made the motion to approve February's minutes. Mr. Sorensen seconded and the Board approved unanimously.

**IV. Approve Location and Travel for Sevier Power Hearing. Presented By Rick Sprott.**

Mr. Sprott stated that it sounds like the Board members would like to go down for the hearing to Richfield and accommodate the Sevier County Citizen's (SCC). There is a six-passenger plane available for Board members to fly down that day. The location will be either at Snow College or the county building. There will be a room set up in Salt Lake with a phone for interested parties to listen to the hearing as well. Rick then stated that it looks like the best date for most Board members would be May 10, 2006.

Mr. Wessman asked what time the hearing would be held. Mr. Sprott stated that the start time would be 8:00 a.m.-9:00 a.m. and end time would be 4:00 p.m. or 5:00 p.m.

Ms. Nielson stated that she liked the idea of the hearing down in Richfield.

- Mr. Horrocks made a motion to approve Richfield as the location of the Sevier Power Hearing with the location to be determined. The Hearing will be held on May 10, 2006 from 8:00 a.m.-5:00 p.m. Mr. Veranth seconded and the Board approved unanimously.

**V. Final Adoption: Repeal and Re-enact R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD); Amend R307-110-9 and State Implementation Plan Section VIII, Prevention of Significant Deterioration. Presented by Colleen Delaney and Jim Schubach.**

Mr. Schubach stated that on November 2, 2005, the Board proposed changes to R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD), and State Implementation Plan Section VIII, Prevention of Significant Deterioration. There was a stakeholder meeting on November 29, 2005. Mr. Schubach also stated that a 45-day public comment period was held, and a public hearing was conducted on December 14, 2005. There were comments received by the Division and the staff responded to these comments. A summary of comments received were included in the board packet.

Mr. Schubach then stated that the Division recommends that the Board adopt R307-405, State Implementation Plan Section VIII, and R307-110-9 with the changes that have been made.

- Mr. Horrocks made a motion to adopt R307-405, Permits: Major Sources in Attainment or Unclassified Areas (PSD); Amend R307-110-9 and State Implementation Plan Section VIII, Prevention of Significant Deterioration. Mr. Grover seconded. The Board approved unanimously.

**VI. Final Adoption: Repeal and Re-enact R307-401, Permits: New and Modified Sources. Presented by Colleen Delaney and Jim Schubach.**

Ms. Delaney stated that on November 2, 2005, the Board proposed changes to R307-401, Permits: New and Modified Sources. A 45-day public comment period was held, and a public hearing was conducted on December 14, 2005. Ms. Delaney also stated that there were comments received by the Division and the staff responded to these comments. A summary of comments received were included in the board packet. The changes were more for clarification and consistency.

Mr. Grover asked why the actual emissions term was changed to "air contaminant". Ms. Delaney stated that these changes do not affect how the rule is implemented. We are using some of the same definitions that keep us parallel with the PSD and non-attainment programs.

Mr. Grover asked about the definition of air contaminants. Ms. Delaney stated that "Air Contaminant" means any particulate matter or any gas, vapor, suspended solid or any combination of them, excluding steam and water vapors.

Ms. Delaney stated that the Division recommends that the Board adopt R307-401 with the changes that are described in the response to comments.

- Mr. Lawson made a motion to adopt R307-401, Permits: New and Modified Sources. Mr. Sorensen seconded. The Board approved unanimously.

**VII. Final Adoption: Amend R307-410, Permits: Emission Impact Analysis. Presented by Colleen Delaney and Jim Schubach.**

Ms. Delaney stated that on November 2, 2005, the Board proposed changes to R307-410, Permits: Emission Impact Analysis. A 45-day public comment period was held, and a public hearing was conducted on December 14, 2005. No comments related to this rule were made at the public hearing. One written comment was received and there was one staff comment. A summary of comments received were included in the board packet.

Ms. Delaney then stated that the Division recommends that the Board adopt R307-410 with the minor changes that are described in the response to comments.

- Mr. Sorensen made a motion to adopt Amend R307-410, Permits: Emission Impact Analysis. Mr. Lawson seconded. The Board approved unanimously.

**VIII. Propose for Public Comment: Repeal R307-413, Permits: Exemptions and Special Provisions; Amend R307-101-2 Definitions; Amend R307-325, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions. Presented By Colleen Delaney and Jim Schubach.**

Ms. Delaney stated that because of the rulemaking process timeline, several provisions that are being moved from one rule to another would be deleted from the old rule one month before they were added to the new rule if the Board finalized the changes to R307-413, R307-101-1 and R307-325 today. To address this timing problem, the DAR staff recommends that the original proposals on R307-413, R307-101-2, and R307-325 be allowed to lapse, and that new proposals be filed. The DAR form will explain why this is being done, and will note that we have already taken comments on these proposals. These new proposals would be published on April 1, and thus would be on the same timetable as the other NSR rules. They would be on the Board's agenda on May 3, 2006 for final adoption and all of the NSR rules could be made effective after that Board meeting.

Mr. Horrocks asked whether it would create a gap if the Board did not have a quorum on May 3, 2006. Ms. Jan Miller from the DAQ staff stated it would not, because the new filing begins a new 120-day period.

Ms. Delaney then stated that the staff recommends that R307-413, R307-101-2, and R307-325 be proposed again for public comment.

- Mr. Grover made a motion to propose for public comment Repeal R307-413, Permits: Exemptions and Special Provisions; Amend R307-101-2 Definitions; Amend R307-325, Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions. Ms. Seghini seconded. The Board approved unanimously.

## **IX. Informational Items**

### **A. PM 2.5 Proposed Standards. Presented by Cheryl Heying.**

See attachment #1.

Ms. Heying stated that EPA has proposed a new national ambient air quality standard for particulate matter. There will be a proposed rule with a change in NAAQS, MACT and 40 CFR (Parts 53 and 58) revisions to ambient air monitoring regulations. The rules were proposed in the public register on January 17, 2006, and comments are due to the EPA on April 17, 2006.

Ms. Heying provided an overview on the following: On December 20, 2005, EPA proposed revisions to the National Ambient Air Quality Standards (NAAQS) for particle pollution. The proposed revisions would strengthen a fine particle standard, for both health and visibility, and would refocus the coarse particle standards on those particles that are associated with public health concerns. The proposed revisions address two categories of particle pollution, fine particles (PM<sub>2.5</sub>), which are 2.5 micrometers in diameter and smaller; and inhalable coarse particles (PM<sub>10-2.5</sub>), which are smaller than 10 micrometers in diameter but larger than PM<sub>2.5</sub>. This is a new category of pollutant. At the same time EPA proposed amendments to its national air quality monitoring requirements, including those for monitoring particle pollution. The proposed changes include the design of a network to monitor PM<sub>10-2.5</sub>. Ms. Heying stated there is more supporting information on EPA's website:

<http://www.epa.gov/air/particles/actions.html>

Ms. Heying stated that the EPA would revise the level of the 24 hour standard for PM 2.5. Under the proposal, the current level of 65 micrograms per cubic meter would change to 35 micrograms per cubic meter. EPA is proposing this change based on its assessment of a significantly expanded body of scientific information. In addition, the EPA will take comment on alternative approaches for selecting the level of the standard, and on levels as high as the current level of 65 micrograms per cubic meter or as low as 25 micrograms per cubic meter.

Ms. Heying then stated that the second part is the annual standard. EPA is proposing to keep the standard at 15 micrograms per cubic meter, and they are considering lowering the standard and seeking comment.

Ms. Heying stated that there is a proposal that would set the secondary standards for both the annual and 24-hour standards at the same level as the primary standards. The EPA is also taking comment on whether to set a separate PM<sub>2.5</sub> standard, designed to address visibility. EPA has not proposed to set this level.

Mr. Sorensen asked if EPA is making the secondary standard more stringent than the primary standard. Ms. Heying stated that would be true in terms of visibility.

Ms. Heying then went over the timelines. The EPA is under a court-mandated time frame. The standard has to be promulgated by December 2006. The state recommendations on attainment designations need to be to EPA by December 2007 and this is monitoring information that we are already collecting. The final designations will be due December 2009. The effective date will be April 2010. The implementation plans would be due April 2013. The attainment date is April 2015 and there are extensions available until 2020 under the existing Clean Air Act.

Mr. Grover asked if this was a 99% high. Ms. Heying stated that they will retain the 98 percentile on the 24 hour standard. This would be seven exceedances above the standard. Mr. Grover then asked if the altitude adjustment was built in. Ms. Heying stated it was not, it was only based on data.

Ms. Heying pointed out the non-attainment areas. Ms. Seghini asked what was going on with Libby, Montana. Ms. Heying stated that they have a wood smoke problem.

Mr. Grover asked if monitoring has been done in non-urban areas. Ms. Heying stated yes in St. George.

Ms. Heying stated that EPA is moving away from the PM10 standard. The courts have decided that EPA can't have two standards. Now EPA is proposing a PM inhalable standard which would replace the PM10 standard. The secondary standard would be the same.

Mr. Grover asked if DAQ's findings are the same as EPA's with respect to the PM inhalable standard attainment areas in Utah. Mr. Dalley stated that is fairly accurate.

Ms. Heying stated that the EPA would regulate the PM dust on paved roads, industrial sources and construction sources. This excludes agriculture and mining sources.

Ms. Heying recited the five part monitoring criteria in the rule for defining urban areas.

Ms. Heying stated that some of the issues discussed in the Advanced Notice of Proposed Rulemaking were proposed options for transitioning from the current particulate standards to the new standards.

Mr. Veranth wants the new standards as an informational item. Ms. Nielson would like to keep it as an agenda item for further discussion. If items needed to be resolved, we could have a conference call.

Mr. Horrocks asked if DAQ solicits input from stakeholders. Mr. Sprott stated that he would encourage stakeholders to make inputs on their own. We would be happy to look at information sent by stakeholders. The best thing to do would be to communicate with EPA.

Mr. Veranth stated that at a toxicology meeting he attended, there was obvious evidence that street dust is a problem. The depictions between the monitoring rules did not have a lot of support from the members.

Mr. Lloyd Berentzen, Health Director for the Bear River Health Department, stated there are potential things we can do intervention wise. EPA needs to really look at this standard and not just change the numbers.

Ms. Emily Hall stated that she is interested in the health of the people and asked the Board to look at this in detail.

Ms. Nina Dougherty with the Utah Chapter of the Sierra Club urged the Board to ask for stronger standards.

Mr. Kip Billings with the Wasatch Front Regional Council stated that they are watching the proposed standards very carefully. He suggested that they have the attainment status presented every month at the Board meeting and posted on the website as well.

Ms. Susan Hardy with the Mountainland Association of Governments asked if comments could be submitted electronically to the Division. She stated that she is very displeased with the exemption.

Ms. Kathy Van Dame with the Wasatch Clean Air Coalition asked if the Division will be commenting on the implementation plan that is due on March 10, 2006. Ms. Heying stated yes we will be commenting.

Ms. Van Dame then asked if the Division would be soliciting input of the MPO's. Mr. Sprott stated we do not solicit input but comments can be submitted. The Division will be commenting on behalf of the Board and the agency and the Division will consider the comments.

Mr. Wessman stated that anyone that who has comments should submit the comments themselves to EPA.

Ms. Van Dame asked if the MPO's were aware of the process. Mr. Sprott stated yes there are aware. Ms. Seghini stated the MPO's are made aware and we do discuss these matters.

Mr. Grover asked if the Board makes comments. Mr. Sprott stated they do not submit their own comments, but would be happy to work with the Board if they would like to make comments. Mr. Wessman stated that he doesn't remember that ever happening. Ms. Nielson stated it typically does not happen with the other Boards.

Mr. Charles Lowsogay, a University of Utah medical student, stated that this standard will not help the health of Utah. These standards will discriminate against people in rural areas.

## **B. Recent SIP Approvals. Presented By Jan Miller.**

Ms. Miller stated that on February 14, 2006, EPA published final approval of the reorganization of Utah's rules, effective March 16, 2006. The Division re-numbered all their rules in 1998 and submitted it to EPA in 1999. The approval included several odds and ends

that had been outstanding even longer. This means that the Division, EPA and the sources that receive permits and approval orders from us, are now using the same numbering system for most of our rules. The bad news is that EPA has not acted on the re-numbering of R307-401. So, for the rules that the Division uses most often in NSR and inspections, the Division, EPA and the sources still have to keep track of two numbering systems.

**C. Compliance. Presented by Jeff Dean.**

**D. HAPS. Presented by Robert Ford.**

**E. Monitoring. Presented by Bob Dalley.**

Mr. Dalley stated that January and February was well below the standard. We did not exceed the PM<sub>2.5</sub> daily values. Mr. Wessman asked why some data were not evident on the graph. Mr. Dalley stated that they have not been processed yet.

### **Miscellaneous**

Mr. Sprott stated that Nevada is enacting a rule to regulate mercury emissions and replace a program that has been voluntary since 2001. This information is critical to the Division and we are working closely with the Division of Water Quality.

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Meeting was adjourned at 3:16 p.m.